



Attachment 2

**U.S. Department of Energy
Recommendations for Strengthening LSW
for PY 2008 and PY 2009**

The steps listed below are recommended actions compiled by DOE and members of the DOE Health and Safety Committee as encouraged actions grantees should undertake during these Program Years.

- Assess current state of LSW activities at the crew/contractor level as compared to DOE's LSW Minimum Standards.
 - Review LSW field procedures for compliance.
 - Add applicable LSW components to monitoring check list ASAP.
 - Review purchase orders and invoices to ensure expenditures reflect the purchase of LSW equipment, tool, materials, etc. that would be necessary to effectively implement LSW.
 - Check inventories for critical materials and necessary crew protective gear.
 - Check trucks for materials and equipment (HEPA vacuum, rolls of polyethylene, Personal Protective Equipment) on-site.
 - Assess whether trucks have been contaminated with lead dust and, if needed, guide agencies to take appropriate actions to remedy.
 - Assess the level of LSW training crews and contractors have received. Determine where there is need for additional training based on the initial assessment of the materials being used, protective gear available, condition of the trucks, etc. Grantees should identify where training should be increased or improved for greater comprehension and implementation.
 - Consider how T&TA needs to be allocated to ensure technicians are getting appropriate training.
 - Review the work in progress by visiting job sites (announced or unannounced) to ensure crews/contractors understand and are following the LSW procedures.
- Revise internal Weatherization grantee policies and standards to meet the requirements of the DOE LSW.
 - Look into how the grantee will "strengthen" LSW to meet DOE's minimum standards.
 - Look at processes for evaluating LSW, via monitoring or on-site visits, and how the grantee can assure DOE that in PY 2009 LSW will be performed as the minimum standards say it should be done.



For 2010: Grantees are expected to submit a state-specific curriculum to EPA. In preparation, grantees should:

- Review all DOE's *LSW Guidance and Minimum Standards*.
- Review the EPA's LRRPP Rule requirements (published in the Federal Register April 22, 2008).
- Contact the state health authorities to determine if there are any additional requirements in your state for any of the procedures listed in LSW.
- Research who the EPA authority is in your state (whether it is EPA or actually a state organization/department). This entity is likely to be the EPA-approved entity for the implementation of the new EPA rule and will be the office that will approve the grantee's LSW curriculum.

- Begin preparation of local agency network through dialogue and transmittals for the changes that will occur with the implementation of the new EPA requirements scheduled for implementation in PY 2010.
- Beginning October 7, 2009: Agencies may apply to EPA for "firm" status which is required in April 2010. *Firm* means a company, partnership, corporation, sole proprietorship or individual doing business, association, or other business entity; a Federal, State, Tribal, or local government agency; or a nonprofit organization. In the case of Weatherization and conducting Lead-Safe Weatherization work, a certified firm can be the grantee or a local Weatherization agency or subgrantee.

**Attachment 3****LSW Glossary of Terms**

In anticipation of 2010 full implementation of the EPA requirements, this glossary was prepared using the EPA; Renovation, Repair, and Painting Program Final Rule (§ 745.82), issued April 2008. More information on work practice standards and post-renovation cleaning verification procedures (which must be applied to Lead Safe Weatherization Programs on or after April 7, 2010) can be found in DOE/MSU benchmark procedures and curriculum (*available beginning October 2008*).

Certified Firm

Certified Firm means a firm that has received EPA certification to perform renovations as covered by the Final Rule (745.82). Firms that perform renovations for compensation must apply to EPA for certification to perform renovations or dust sampling. To apply, a firm must submit to EPA a completed “Application for Firms,” signed by an authorized agent of the firm, and pay a fee. To maintain its certification, a firm must be recertified by EPA every 5 years.

Certified Renovator

Renovator means an individual who either performs or directs workers who perform renovations. A certified renovator is a renovator who has successfully completed a renovator course accredited by EPA or an EPA-authorized State or Tribal program.

Child-Occupied Facility

Child-Occupied Facility means a building, or portion of a building, constructed prior to 1978, visited regularly by the same child, under 6 years of age, on at least two different days within any week (Sunday through Saturday period), provided that each day’s visit lasts at least 3 hours and the combined weekly visits last at least 6 hours, and the combined annual visits last at least 60 hours.

Cleaning Verification Card

Cleaning verification card means a card developed and distributed, or otherwise approved, by EPA for the purpose of determining, through comparison of wet and dry disposable cleaning cloths with the card, whether post-renovation cleaning has been properly completed. (*Anticipated to be distributed by EPA, Fall 2008.*)

Firm

Firm means a company, partnership, corporation, sole proprietorship or individual doing business, association, or other business entity; a Federal, State, Tribal, or local government agency; or a nonprofit organization. In the case of Lead Safe Weatherization work, a firm can be the grantee, subgrantee, or contractor.

The Firm is the entity that takes responsibility for “renovations for compensation” (this includes Weatherization Programs) and must apply to EPA for certification to perform renovations or dust sampling. To apply, a firm must submit to EPA a completed “Application for Firms,” signed by an authorized agent of the firm, and pay a fee, if required. EPA will act on the application within 90 days of the date the application is received. To maintain its certification, a firm must be recertified by EPA every 5 years.

**HEPA Vacuum**

HEPA vacuum means a vacuum cleaner which has been designed with a high-efficiency particulate air (HEPA) filter as the last filtration stage. A HEPA filter is a filter that is capable of capturing particles of 0.3 microns with 99.97% efficiency. The vacuum cleaner must be designed so that all the air drawn into the machine is expelled through the HEPA filter with none of the air leaking past it

Lead; Renovation, Repair, and Painting Program (LRRPP) Rule

Lead; Renovation, Repair, and Painting Program (LRRPP) Rule means rules (40 CFR 745), which include Weatherization (see Renovation), established by the U.S. Environmental Protection Agency (April 2008) to address lead-based paint hazards created by renovation, repair, and painting activities that disturb lead-based paint in target housing and child-occupied facilities. (see definitions for target and child-occupied facilities)

Lead Safe Weatherization (LSW)

Lead Safe Weatherization (LSW) means a set of protocols, established by the U.S. Department of Energy (WPN 02-6 issued July 23, 2002) to be used when disturbing surfaces that may have lead-based paint, that will reduce and control the amount of lead dust and paint chips that are generated. The protocols address compliance with applicable regulations, and are intended to reduce the risk of liability and health issues associated with the work.

Minor Repair and Maintenance (De minimis)

Minor repair and maintenance means activities, including minor heating, ventilation or air conditioning work, electrical work, and plumbing, that disrupt 6 square feet or less of painted surface per room for interior activities or 20 square feet or less of painted surface for exterior activities where none of the work practices prohibited or restricted by § 745.85(a)(3) are used and where the work does not involve window replacement or demolition of painted surface areas. When removing painted components, or portions of painted components, the entire surface area removed is the amount of painted surface disturbed. Jobs, other than emergency renovations, performed in the same room within the same 30 days must be considered the same job for the purpose of determining whether the job is a minor repair and maintenance activity.

Recognized Lead Test Kits

Recognized test kit means a commercially available kit recognized by EPA under the EPA LRRPP Rule as being capable of allowing a user to determine the presence of lead at levels equal to or in excess of 1.0 milligrams per square centimeter, or more than 0.5% lead by weight, in a paint chip, paint powder, or painted surface

Renovation

Renovation means the modification of any existing structure, or portion thereof, that results in the disturbance of painted surfaces, unless that activity is performed as part of an abatement as defined by this part (40 CFR 745.223). The term renovation includes (but is not limited to): The removal, modification or repair of painted surfaces or painted components (e.g., modification of painted doors, surface restoration, window repair, surface preparation activity (such as sanding, scraping, or other such activities that may generate paint dust)); the removal of building components (e.g., walls, ceilings, plumbing, windows); Weatherization projects (e.g., cutting holes in painted surfaces to install blown-in insulation or to gain access to attics, planning thresholds to install weather-stripping), and interim controls that disturb painted surfaces. A renovation performed for the purpose



of converting a building, or part of a building, into target housing or a child-occupied facility is a renovation under this subpart. **The term renovation does not include minor repair and maintenance activities.** EPA added “Weatherization,” to the definition to make it clear that all of these activities are covered by this definition if they disturb painted surfaces.

Target Housing

Target housing means housing constructed prior to 1978, except housing for the elderly or persons with disabilities (unless any one or more children age 6 years or under resides or is expected to reside in such housing for the elderly or persons with disabilities); or any 0-bedroom dwelling. (Any residential dwelling in which the living area is not separated from the sleeping area. The term includes efficiencies, studio apartments, dormitory housing, military barracks, and rentals of individual rooms in residential dwellings.)

Work Area

Work area means the area, of the work site, that the certified renovator establishes to contain the dust and debris generated by a renovation.

Work Site

Work site means physical property address/location where Lead Safe Weatherization work will be conducted.